

REMARKS

Claims 1-24 stand rejected. With entry of the foregoing claim amendments, claims 1, 5-7, 11-12 and 22-23 are amended and claims 13-21 and 24 are canceled. No new matter is introduced. Applicants thank Examiners Fischer and Murdough for their helpful comments during a telephonic interview with the undersigned on September 14, 2010, which are incorporated in this Amendment.

Claim Objections

Claims 1, 5 and 7 are now amended to correct the typographical error identified by the Examiner. Claims 5-7 and 11-12 were additionally amended to provide proper antecedent basis and clarity. No new matter is introduced. Withdrawal of this objection is respectfully requested.

Claim Rejections – 35 U.S.C. § 112, first paragraph

Claims 1-6 and 22 were rejected under 35 U.S.C. § 112, first paragraph, for lacking written description of subject matter for certain terms recited in the claims. Specifically, the Office action rejects claim 1 for allegedly lacking written description for the term “said computing repository device having been specifically programmed to ... store information concerning a coded meaning for the message that is defined to be different than the [] field delimited protocol meaning.” The Office action also rejects claim 22 for allegedly lacking written description for the term “a database that stores information concerning the coded meaning.” Without conceding as to whether the rejection is proper, claims 1 and 22 have been amended to omit such language.

Claim 1 as now amended recites a method for securely communicating financial information, comprising the steps of:

- receiving at a repository computing device encoding scheme data that defines a field value of a financial data field used in a field delimited communication protocol to have a coded meaning different from an ordinary coded meaning of the field value according to the field delimited communication protocol;
- receiving at the repository computing device a message communicated according to the field delimited communication protocol;
- interpreting at the repository computing device the field value of the financial data field in said message according to the coded meaning defined by the encoding scheme data; and
- conducting a financial transaction at the repository computing device using the interpreted field value of the financial data field in said message.

Claim 22, which is directed at a repository computing device, recites similar features. Such features are necessarily present in the written description and can be found at least in FIGS. 1-4 and in the specification as originally filed in paragraphs 0022-0023, 0028-0029 and 0037-0038. According to these paragraphs, repository 104 is a computing device that can facilitate financial transactions between buyers and sellers. For example, repository 104 can receive and match encoded messages to buy and sell shares of stock according to an encoding scheme defined and distributed by the buyer, seller or a third party through a computing device. According to paragraph 0028, the encoding scheme “preferably defines how entries in specified fields of the field delimited communication protocol will be interpreted. In particular, paragraph 0028 states that “[in] this way, entries in specified fields may represent coded messages outside of the publicly-known definitions those entries would ordinarily have.” Paragraphs 0030-0034 provide a number of such encoding scheme examples. Accordingly, in view of claims 1 and 22 as now amended and the recitation of support for such feature recited therein, withdrawal of this rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hausman (U.S. Patent Application Publication No. 2004/0030632) in view of Reuter (U.S. Patent Application Publication No. 2002/0049666). With entry of the foregoing claim amendments, claims 1-12 and 22-23 are pending, of which claims 1, 7, 22 and 23 are independent.

Hausman discusses a server system that receives client proposals to trade financial interests, e.g., currencies. Specifically, the terms of the proposal are transmitted to the server system through a user interface at a client device. Such terms can include terms that the server system can use for determining a variable price for the trade proposal. See Hausman: paragraphs 0012, 0040-0041, 0046, 0050, 0053-0054, 0065-0075.

Contrary to the assertion in the Office action, Hausman does not specify communicating the terms of the trade proposal from the client to his server system using a field delimited communication protocol. However, even if such terms can be transmitted as field values within a message communicated according to such a protocol, Hausman does not teach or suggest that the user-specified terms of the trade proposal are interpreted by his server system according to a coded meaning defined by encoding scheme data that is different than the ordinary meaning according to the field delimited communication protocol. At best, Hausman's server system uses the user-specified terms as parameters according to their ordinary coded meaning to calculate other terms for the trade proposals, such as a variable price term.

Furthermore, Hausman mentions that his server system can output the details of a processed trade proposal to other client devices using the FIX protocol, which is a field delimited communications protocol. However, there is no suggestion that any of the field values communicated within an FIX message is interpreted in any manner other than

according to their ordinary coded meaning. See Hausman: paragraphs 0040-0041 and 0053-0054.

Accordingly, Hausman does not teach or suggest that its server system (i) receives encoding scheme data that defines a field value of a financial data field used in a field delimited communication protocol to have a coded meaning different from an ordinary coded meaning of the field value according to the field delimited communication protocol and (ii) interprets the field value of the financial data field in a received message according to the coded meaning defined by the encoding scheme data, as similarly recited in claims 1 and 22.

Furthermore, Reuter does not correct the deficiencies of Hausman. At best, Reuter discusses a trading system in which a server system can receive requests from a trading terminal that include user-specified parameters that modify or further specify characteristics of the desired financial products. See Reuter: Abstract, paragraphs 0004, 0014, 0020.

Claims 7 and 23 recite a method and a computing device, respectively, for securely communicating financial information. In particular, they recite steps of and structure for, respectively

- defining encoding scheme data that defines a field value of a financial data field used in a field delimited communication protocol to have a coded meaning different from an ordinary coded meaning of the field value according to the field delimited communication protocol; and
- transmitting the encoding scheme data over a computer network to one or more recipient computing devices, thereby causing the one or more recipient computing devices that receive a message communicated according to the field delimited communication protocol to interpret the field value of the financial data field in the message according to the coded meaning defined by the encoding scheme data.

Such features are necessarily present in the written description and can be found at least in FIGS. 1-4 and in the specification as originally filed in paragraphs 0022-0023, 0028-0029 and 0037-0038. For example, as discussed above, a buyer, seller or third party can through a computing device define an encoding scheme and distribute it to recipients, such as a repository 104. As a result, such recipients that receive a message communicated according to the field delimited communication protocol can interpret a field value in the message according to the coded meaning defined by the encoding scheme that is different than the ordinary coded meaning according to a field delimited communication protocol.

Whereas neither Hausman nor Reuter teach or suggest interpreting field values in a message according to a coded meaning defined by encoding scheme data that is different from their ordinary coded meaning according to the field delimited communication protocol, these references also do not teach or suggest steps of, or structure for, “defining encoding scheme data...” and “transmitting the encoding scheme data over a computer network to one or more recipients...” as recited in claims 7 and 23, respectively.

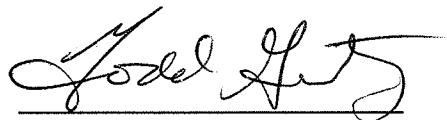
For at least these reasons, claims 1, 7, 22 and 23 are patentable as they are neither anticipated nor obvious in view of Hausman and Reuter.

Furthermore, by virtue of at least their dependency upon claims 1 and 7 and the additional features recited therein, claims 1-6 and 8-12 are also patentable.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,



Date: September 24, 2010
Reg. No. 51,729
Tel. No.: (617) 526-9655
Fax No.: (617) 526-9899

Todd A. Gerety
Attorney for the Applicants
Proskauer Rose LLP
One International Place
Boston, MA 02110-2600